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COMMISSION ON HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE 55th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 6 March 1995, at 3 p.m.

<u>Chairman:</u>	Mr. BIN HITAM	(Malaysia)
later:	Mr. DOBREV (Vice-Chairman)	(Bulgaria)
later:	Mr. BIN HITAM (Chairman)	(Malaysia)

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The meeting was called to order at 3.10 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (continued) (E/CN.4/1995/4, 7 and Corr.1, 10, 12, 37, 52, 53, 54 and Corr.1, 55-59, 60 and Add.1, 61 and Add.1, 62-64, 65 and Corr.1, 66, 67 and Corr.1, 68-72, 108, 111, 117, 118, 126-128, 131, 133, 136, 138-140, 142-145, 148, 150, 152 and 153; E/CN.4/1995/NGO/3, 16, 19, 20, 24, 27, 29, 31, 33, 38 and 39; A/49/394, 508, 513, 514 and Add.1-2, 539, 544, 594 and Add.1, A/49/641-S/1994/1252, A/49/650 and 651)

1. Mr. JOKONYA (Zimbabwe) said that the human rights situation in the occupied Arab territories continued to be a source of concern, and he was shocked at what appeared to be the benevolent neutrality of some delegations with regard to the resolutions adopted by the Commission two weeks previously, calling upon Israel to comply fully with the relevant United Nations and General Assembly resolutions. Principles must not be sacrificed for the sake of solidarity with allies. His delegation was encouraged, however, by the resolve of both Israel and the Palestine Liberation Organization (PLO) to pursue the peace process and urged the Commission not to accommodate those who would sabotage peace, whoever they might be.
2. His delegation remained deeply concerned at the continued tragic division of Cyprus and the resulting violations of the human rights of the Cypriot people. It thus attached particular importance to the Secretary-General's continued efforts to maintain contacts with the Cypriot leaders in the search for a solution that would meet the interests of both the Turkish Cypriot and Greek Cypriot communities.
3. His Government shared the grave concern of the High Commissioner for Human Rights over the potentially explosive situation in Burundi. The High Commissioner must be given all necessary support in the discharge of his duties in order to prevent the occurrence of another Rwanda there.
4. The High Commissioner should also extend his efforts to other trouble spots, especially in Africa. The situation in Somalia continued to pose a grave challenge to the international community. His delegation shuddered to imagine what the future would bring following the recent ignominious withdrawal of the United Nations peace-keepers.
5. His Government was also concerned about the unfortunate deadlock between the Sudanese authorities and the Special Rapporteur, which meant that the latter had no access to the Sudan and had to collect his information through missions to neighbouring countries. An intervention by the High Commissioner might help in finding an amicable solution.
6. His delegation was guardedly optimistic that, following the Lusaka Agreement, peace was within grasp in Angola. It urged both parties to abide by the terms of the Agreement.

7. His delegation was encouraged by developments in Haiti, Albania, South Africa and Mozambique and was pleased to note that, in his report on the situation of human rights in Equatorial Guinea (E/CN.4/1995/68), the Special Rapporteur had indicated that there was evidence of progress in the situation and enjoyment of human rights in that country (para. 49 (a)); the authorities in Equatorial Guinea should continue to cooperate with the Special Rapporteur.

8. Mr. MUHAMMAD (Malaysia) said that the United Nations had failed to act decisively to put an end to the continuing Serb campaign of genocide in the former Yugoslavia, the Security Council having often balked at enforcing its own resolutions on the question. That was in glaring contrast to the immediate, uncompromising and questionable measures taken against countries like Iraq and the Libyan Arab Jamahiriya. Perhaps it was because there was no oil in Bosnia and Herzegovina or because most Bosnians, like the Libyans and the Iraqis, happened to be Muslims. He warned the West that its inaction in Bosnia and Herzegovina was fuelling the discontent being spread by Muslim extremists.

9. The United Nations refusal to take forceful action, ostensibly out of concern for the safety of peace-keepers on the ground, had maintained the status quo which favoured the Serbs, who must be made to understand that the international community would not accept the acquisition of land by force and that the perpetrators of genocide and other human rights violations would be brought to justice.

10. In that regard, his delegation welcomed the recent issue of the first indictment by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia. He called on all countries to cooperate with the Tribunal to ensure that those not yet in custody were apprehended for trial.

11. The partial lifting of sanctions authorized by Security Council resolution 943 (1994) had been a major setback to international efforts to secure peace and justice in Bosnia and Herzegovina. The international community must reject the attempt by one member of the Security Council to lift the embargo against the Federal Republic of Yugoslavia (Serbia and Montenegro) and continue enforcing the sanctions.

12. His delegation was very concerned at attempts to dilute the language of the draft resolution sponsored by the Organization of the Islamic Conference (OIC) by insisting on "equal blame" and maintaining that the Commission could not touch upon areas being addressed by the Security Council.

13. The way to obtain peace and ensure the protection of human rights in Bosnia and Herzegovina was to guarantee the full implementation of the various Security Council and General Assembly resolutions and extend the mandate of the United Nations Protection Force (UNPROFOR). If certain Member States felt that they must withdraw from UNPROFOR, other willing Member States could contribute troops to replace them. The international community must reject all attempts to raise questions concerning certain sections of the peace-keepers on the basis of religion. Not only did that insult Muslim countries, but it also went against the principle of religious tolerance.

14. Everything possible must be done to help the humanitarian relief effort get through to the people of Bosnia and Herzegovina. Most important of all, the international community must ensure that the people of Bosnia and Herzegovina was able to exercise its right to self-defence as provided for in Article 51 of the Charter. The arms embargo imposed upon Bosnia and Herzegovina, the victim of aggression, denied the people of that country their most basic human right, the right to life.

15. Turning to the situation in Chechnya, he said that his Government did not dispute Russia's right to preserve its sovereignty and territorial integrity, but the measure of destruction inflicted on Grozny and the number of innocent civilians killed by the disproportionate and indiscriminate use of force by the Russian military was atrocious and unjustifiable.

16. His delegation, which had played a role in enabling the Commission to adopt the Chairman's statement on that issue (E/CN.4/1995/SR.44), considered that the Commission must continue to monitor the situation in Chechnya and insist that the Centre for Human Rights, the Organization for Security and Cooperation in Europe (OSCE) and the Russian Government work together to implement the content of the Chairman's statement.

17. Malaysia was prepared to do what it could to help improve the situation, but would not shy away from cooperating with other countries in expressing condemnation and demanding tougher measures if the situation in Chechnya did not show any improvement soon.

18. Mr. Dobrev (Bulgaria), Vice-Chairman, took the Chair.

19. Mr. NGOUBEYOU (Cameroon) said that, despite its merits, the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1995/61) contained a number of baseless allegations against his country. The failure of his Government to reply to two communications received from the Special Rapporteur should not be interpreted as a refusal to cooperate, since the Government was simply awaiting publication of the conclusions of the inquiries that had been initiated.

20. Cameroon had not had to await the wind from the East to understand that freedom and human dignity were priceless. Indeed, the promulgation in 1990 of the laws guaranteeing individual freedoms should be seen as the culmination of a process of liberalization that had begun in 1982 with the change at the head of the State. Unfortunately, the euphoria brought on by the restoration of freedom had led to certain excesses, including clashes between two neighbouring ethnic groups. A peace agreement had, however, been concluded between the two communities under the auspices of the National Human Rights Commission.

21. In response to the brutality of which the security forces were often accused, two training seminars on respect for human rights had been organized and others were being prepared. Administrative and judicial punishments were imposed on members of the security forces found guilty of the deliberate violation of human rights. A police monitoring unit had also been established to suppress all acts of corruption, torture and other undesirable behaviour by the police.

22. Individuals in Cameroon were no longer persecuted for holding certain political ideas or for belonging to the party of their choice. Even civil servants were free to join a political party. It was thus ridiculous to claim that Cameroonians were killed for opposing the regime in power.

23. The occasional ban on the meetings of opposition parties was the result of the latitude given to provincial governors to decide whether or not a political meeting could be held without disruption of law and order. It should be noted, however, that meetings of the party in power were also sometimes affected by such a prohibition.

24. For its part, the private press was partisan and often gave the impression of not knowing any limits in its attacks. Nevertheless, the National Assembly was due to pass legislation abolishing press censorship at its next session.

25. Cameroon, which was a melting pot of 250 ethnic and linguistic groups, 3 colonial cultural heritages, 2 official languages and a number of religions and sects, aspired to being a democratic nation. While its own future appeared hopeful, it was not indifferent to situations in other parts of the world. In that connection, it had participated in United Nations operations in Cambodia, South Africa and Rwanda. It was particularly concerned about the rising tension in Burundi and was prepared to contribute to the search for a peaceful solution there.

26. His delegation joined those which had criticized the selectivity with which human rights abuses were treated within the Commission. All human rights violations, whoever the authors, should be considered with the same impartiality. To move forward, the Commission must always seek to build on its past achievements. The international community had agreed at Vienna in 1993 that the right to development was essential to the realization of all other human rights. Nevertheless, as the recently adopted resolution on the subject revealed, the right to development seemed to be a concern only of the developing countries, which hoped for a new and more equitable world order. His delegation feared that such a tendency might lead to the establishment of a dictatorship of the minority.

27. Mr. PRATOMO (Indonesia) said that, since the Commission's fiftieth session, his Government had taken a number of steps to ensure the further improvement of human rights in East Timor that had gone well beyond the content of the 1994 Chairman's statement on the situation of human rights in East Timor. With regard to the Dili incident, 10 of the 66 persons missing had been located or identified since February 1994. His Government had been cooperating closely with the International Committee of the Red Cross (ICRC), as the annual report of that organization clearly showed, and the ICRC and its representative in East Timor continued to have unhindered access to the province. Conditions in East Timorese prisons had been found to be satisfactory, and in 1994, a number of East Timorese prisoners had been released.

28. His Government had taken further steps to make East Timor more open and accessible. From the economic point of view, East Timor remained the

Indonesian province with the highest development spending per capita, and robust economic growth had enabled the East Timorese to enjoy more fully their basic right to food, shelter, education and a healthy life.

29. Consistently demonstrating its readiness to cooperate with the United Nations, his Government had invited the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Jakarta and East Timor. It was regrettable, therefore, that the Special Rapporteur's report (E/CN.4/1995/61/Add.1) was based mostly upon biased information and subjective opinions originating from prejudiced sources. The Special Rapporteur's contention that the Dili incident had constituted "killings" (para. 48, subparas. (a) and (b)) resulting from "a planned military operation designed to deal with the public expression of political dissent" (para. 48, subpara. (d)) was a misleading conclusion that ignored the established facts, as well as his Government's official explanation, sincere efforts and expression of regret.

30. Only a few days previously, the Chairman had read out a consensus statement on East Timor. Since then, his Government had already made public its findings on the recent incident in Liquica. That was clearly in line with paragraph 2 of the statement. It would also be pleased to invite the High Commissioner for Human Rights to visit Indonesia at a mutually convenient time later in the year. His delegation categorically rejected, however, any politically motivated misuse of the Chairman's statement to force his Government to perform the impossible and would not admit of any attempt to pervert the statement through unwarranted interpretations.

31. Mr. DEDANS (Mauritius) supported the statement made by the observer for Cyprus under agenda item 12, sub-item (a), and expressed concern that the situation in the occupied part of Cyprus had remained unresolved for 20 years because of a lack of political will. The implementation of the numerous resolutions adopted by the Security Council would ensure the withdrawal from the country of all occupying forces and foreign settlers, the return of refugees to their homes in safe conditions, and the restoration of and respect for the human rights of all Cypriots. The fate of all missing persons should also be ascertained in accordance with the provisions of the relevant Geneva Conventions.

32. His delegation therefore considered that the question of human rights in Cyprus should remain as a separate sub-item on the Commission's agenda.

33. Ms. WENSLEY (Australia) said that security in the post-cold-war world was as much about people as about borders and States. A country which systematically disregarded human rights, ignored the rule of law and failed to strive for equitable development was clearly heading towards breakdown and civil strife. Strategies designed to ensure the observance of human rights had a preventive security dimension and should be seen as just as much a part of the international security repertoire as preventive diplomacy, peace-keeping and, in extreme cases, peace enforcement. In that connection, her delegation welcomed the involvement of the High Commissioner for Human Rights in activities aimed at addressing human rights problems before they led to security breakdowns.

34. Turning to the situation in Myanmar, in the light of the recent fighting in the Manerplaw area, she called on the Government of that country to cease all military activity and to resume dialogues with its opponents aimed at promoting genuine national reconciliation, which was in the interest of all political and ethnic groups. Given the continued human rights abuses in that country, its relations with the international community should depend on its progress against such benchmarks as an intensified dialogue with the United Nations, a clear timetable for constitutional reform, the release of political prisoners, and legal guarantees for the rights of minorities.

35. Her Government was also very concerned about allegations of continuing human rights abuses in China, including the harassment of prominent dissidents, restrictions on freedom of religion, assembly and association and on the right to a fair trial, torture, and the large number of executions, particularly of persons convicted of economic crimes. It was also concerned about the repression of religious freedom, cultural identity and freedom of expression in Tibet. It had sought to establish a serious and constructive dialogue with the Government of China on human rights questions and urged that Government to respond to the concerns expressed by the international community.

36. In East Timor, recent reports indicated that the human rights situation was worsening. It was clear that a military solution to the problems there was doomed to failure. Her Government thus renewed its call for a reduction in the Indonesian military presence in East Timor, greater East Timorese participation in local administration, and greater recognition of the cultural identity of the East Timorese. The Indonesian authorities should give careful consideration to the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions, following his visit to East Timor. Her delegation shared the Special Rapporteur's view that the Indonesian Government must account for those missing after the 1991 killings in Dili.

37. Turning to Iran, she said that it was a matter of concern that serious restrictions on freedom of religion and expression continued and that the right to a fair trial was not effectively observed. Her Government was particularly distressed by the large number of executions and by the continuing reports of torture. Iran, moreover, persistently refused to cooperate fully with the Commission and to permit further visits by its Special Representative.

38. On the other hand, her Government welcomed the visit to Cuba by the High Commissioner for Human Rights, although that visit should be regarded merely as a point of departure for full cooperation by the Government of Cuba with all the Commission's mechanisms. Moreover, it was still concerned at the continuing restrictions in Cuba on the freedoms of expression and association and on opponents of the Government.

39. The situation in Bougainville showed signs of improvement following a number of major steps towards a political solution to the problems of that island. In particular, the Mirigini Charter and Cease-fire Agreement should provide a firm basis for a lasting and peaceful resolution of the conflict. Her delegation was encouraged by the positive attitude of the Government of

Papua New Guinea towards the establishment of a national human rights commission as a reflection of its commitment to the promotion and protection of human rights.

40. The progress in Sri Lanka towards a lasting cease-fire and the ongoing peace talks between the Government and the Liberation Tigers of Tamil Eelam (LTTE) were another cause for optimism. International observers had an important role to play in encouraging the parties to continue the peace process and to work towards the rebuilding of stability and prosperity in the north and east of the country, based on respect for human rights.

41. In Bosnia and Herzegovina and in other areas of the former Yugoslavia, all parties to the conflict must bear responsibility for the wanton abuse of human rights which, inevitably, constituted the basis for continuing instability and conflict. Persistent reports of abuses of the human rights of ethnic Albanians in Kosovo were also a cause of serious concern. Even though the conflict had proven to be distressingly resistant to all efforts to bring it to an end, the international community must continue with whatever mechanisms it had at its disposal, including the work of the Special Rapporteur on the situation of human rights there.

42. In Rwanda, the security and political situation was still extremely fragile and the large number of refugees and internally displaced persons constituted a threat to regional security.

43. Widespread impunity was an important reason why human rights abuses continued in many parts of the world. Her Government therefore welcomed the establishment of International Tribunals to try those responsible for human rights violations in the former Yugoslavia and in Rwanda and looked forward to the establishment of an international criminal court that would have jurisdiction over such crimes wherever they were committed.

44. Her Government was seriously concerned at the events resulting from the Russian Federation's military intervention in Chechnya. It urged the parties to work towards a negotiated settlement and called upon the Russian Federation, in particular, to facilitate the provision of humanitarian assistance.

45. The universality and indivisibility of human rights were no longer seriously questioned. In addition to assisting and encouraging Governments, the Commission must also provide a forum for the forthright expression of the international community's views when Governments demonstrated an intention to perpetuate human rights abuses. The matter could no longer be characterized as being solely within a State's domestic jurisdiction, since the observance of human rights was crucial to the well-being and security of all persons.

46. Mr. PORTALES (Chile) said that the Commission needed to establish two separate agenda items in order to deal appropriately with the situation of human rights in specific countries, given that situations of serious violations of human rights fell into two qualitatively distinct categories. The first category consisted of countries with repressive dictatorial regimes, where the very nature of the regime entailed a pattern of grave and systematic violations of human rights. The constitutions and laws of those countries

allowed no place for other ideologies or political movements, making enjoyment of fundamental human rights and freedoms dependent on unconditional adherence to the official ideology. The most that could be hoped for in such cases was a broadening of tolerance, either through a weakening of the dictatorship or as a result of tactical concessions. There could be no question, however, of firm progress towards greater freedom and enjoyment of human rights, until such time as those regimes embarked on the phase of final and irreversible decline.

47. The second category was that of regimes where democracy was precarious or that were in transition to democracy, in which there was a legacy of grave violations of human rights and in which the genuine will of the Government to promote respect for those rights encountered institutional and cultural obstacles. In such cases, violations, were not inherent in the regime but were the product of a history of authoritarianism. In the long term, those regimes had to make significant progress in promoting human rights or they would become flagrant violators of human rights by virtue of their failure to act. Nevertheless, there was always a better chance of real progress in regimes which, however nominally or precariously democratic, had a constitutional commitment to promote respect for human rights.

48. The existence of those two categories suggested a change in the Commission's method of dealing with country situations. It was not fair to place in the same category regimes that by their very essence violated fundamental human rights and democratic regimes that were making genuine efforts to improve and consolidate the rule of law. His delegation thus called for a debate on the question involving not just the Commission but all international human rights forums, NGOs, academic institutions, the media and public opinion.

49. Recognition by the Commission of the existence of two distinct categories would make it possible to lower the tension of many debates and also focus advisory services on the countries most in need of them. A situation might even come about in which countries might actually seek to be included in the new category, inasmuch as inclusion therein might become a prerequisite for obtaining a massive and continuous flow of technical assistance, funding and training to develop national institutions for the promotion and protection of human rights.

50. Mr. Chang-Il PARK (Republic of Korea) said that two opposing trends characterized the post-cold-war era. On the positive side, there had been progress in democratization and in the field of human rights in the former Eastern bloc, in many African countries and in Latin America and Asia. On the negative side, ethnic cleansing and other violations of human rights committed in the name of an increasingly violent and belligerent nationalism had replaced the ideological confrontation of the cold war.

51. The fact that human rights abuses persisted was due at least in part to the impunity of the violators. It was thus encouraging that, at its fiftieth session, the Commission had approved the Sub-Commission's study on the problems of impunity. His Government also strongly supported the establishment of International Tribunals to try the war crimes committed in recent conflicts since the imposition of international punishment for grave

violations of human rights, while fraught with difficulties, could have an important deterrent effect. In addition, an arrangement or mechanism dedicated to the prevention of serious human rights violations should be set up. In that regard, the idea of an early-warning system within the Commission was worthy of attention and preventive diplomacy should be strengthened.

52. The activities of the special rapporteurs were central to the Commission's work and every country should cooperate fully with them and comply with their recommendations. The Commission must examine ways of alleviating the shortage of human and material resources that had hampered their activities.

53. The important contributions of NGOs and other human rights activists must also be acknowledged and supported. When observing the situation of human rights in particular countries, the Commission must remember that no country had a perfect record in the field of human rights. Consequently, it must play the role, not of an accuser or judge, but of an adviser or healer.

54. Active assistance, including advisory services and technical training, should be given to those Governments that had made a clear commitment to improve the human rights environment in their countries. Even more important than that commitment, however, were the hearts and minds of individuals. Education was the key to fostering such individual interests, and his delegation urged the international community to assist long-term efforts to that end at all educational levels.

55. His Government had been forwarding reform measures for the protection of human rights and further democratization, particularly since the inauguration of the civilian Government in February 1993. Two concrete examples of its increased efforts in that field were its recent accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its hosting of the Third Asia-Pacific Workshop on Human Rights Issues in July 1994. Its commitment had also been demonstrated by its contributions to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and to the Voluntary Fund for Victims of Torture.

56. A single example of the various initiatives taken at domestic level was the inauguration of the Public Legal Officers' System under which many qualified lawyers were exempted from military service to provide legal services to persons living in rural areas or who could not afford such services.

57. Mr. ELMUFTI (Sudan) said that the discussion of the situation of human rights in the Sudan under agenda item 12 had taken on a vociferous and shrill tone, as reflected in the hostile statement made by the Special Rapporteur when introducing his report (E/CN.4/1995/58), the statements of some NGOs and the attempts by delegations of some major Powers to incite hatred and hostility against his Government. His delegation viewed those moves with the contempt they deserved.

58. The discussion in the Commission had been preceded by a smear campaign conducted by some NGOs, foremost among being them Amnesty International and

Human Rights Watch. Other NGOs, such as the Arab Lawyers Union, Pax Romana and Christian Solidarity International, were being used as covers for Sudanese politicians and clerics in exile.

59. That campaign was undoubtedly being funded by organizations and Governments pursuing an anti-Islamic agenda. The debates of the Commission were becoming increasingly preoccupied with attacks on the Islamic faith, its laws and its political renaissance. The Sudan and other countries professing an Islamic identity in their political programmes had become targets of hatred, abuse, vilification and conspiracies. The issue of human rights was merely a pretext for the real objectives of those campaigns - campaigns such as the one waged by Christian Solidarity International under the leadership of Baroness Cox.

60. Though that campaign was directed mainly against the Sudan, officials from the Islamic republics of Central Asia had also been complaining privately about the biased and unsolicited interference of that organization in conflicts in the region, in its relentless pursuit of activities which could result in a souring of the Christian-Muslim dialogue.

61. When introducing his report, the Special Rapporteur had alleged that no child could walk the streets in the Sudan without running the risk of abduction. The truth of the matter was that, since the Government's assumption of power in June 1989, street children were sent to welfare centres where they were cared for, given some education and vocational training, and then released to lead a useful life. Furthermore, the Special Rapporteur had deliberately neglected to address the problem of recruitment of minors into the rebel forces and had attempted, in his interim report to the General Assembly (A/49/539), to accuse the Government of that practice. Human Rights Watch had at least tried to be more truthful in that regard, whereas the Special Rapporteur had tried to absolve the rebel commanders of such responsibility.

62. NGOs such as Pax Romana, Christian Solidarity International and the Arab Lawyers Union had been abusing their status by permitting Sudanese individuals to address the Commission on political rather than human rights issues. One example was the reference by the representative of Pax Romana to the promulgation of a new law replacing the 1962 Missionary Societies Act. In point of fact, the 1962 Act had been repealed in response to a request by the Pope, and no new law had been promulgated.

63. Such tolerance on the part of his Government explained why some Christian leaders from outside the Sudan had attended the Islamic-Christian dialogue it had called for, which had resulted in a positive report on the realities of the human rights situation in the Sudan, revealing the facts which the representative of Pax Romana had tried to conceal from international public opinion.

64. The Christian fundamentalism of Pax Romana was reiterated in the statement made by Baroness Cox on behalf of Christian Solidarity International. In order to refute that statement, one had only to turn to the report by her colleague in the United Kingdom House of Lords, Lord McNair, who had recently visited the Sudan. In that report, Lord McNair had described the

political exploitation of human rights in the Sudan by some circles as "sickening". The delegation of the Sudan could find no better word to describe the statements by Baroness Cox. Other statements to the Commission echoing her allegations should also be disregarded as an unwarranted politicization of the issue of human rights in the Sudan.

65. His delegation was puzzled by the recommendations made by the representative of the Arab Lawyers Union in his statement before the Commission. Not only had he refrained from commenting on the sufferings of the people of Iraq and the Libyan Arab Jamahiriya as a result of the intransigence of some major Powers but he had also recommended that the same suffering should be visited on another Arab nation, the Sudan, on the basis of allegations which he had failed to substantiate. Those allegations differed little from those made by organizations and Governments pursuing an anti-Islam agenda, and he wondered whether that NGO had abandoned its mandate to uphold the rights of the Arab world or had become a party to inter-Arab conflicts.

66. Since the manipulation by ambitious Sudanese politicians of the status of NGOs was a very serious development, his delegation questioned the lack of a procedure or mechanism for holding NGOs accountable when they allowed themselves to be used as political pawns.

67. Mr. KOVALEV (Russian Federation) said that the end of the cold war had not made the world a more tranquil and stable place, for new conflicts were emerging faster than the old ones disappeared. Those conflicts had their roots in massive and grave violations of human rights, aggressive nationalism, xenophobia and religious and inter-ethnic oppositions. Against that background, the Commission had a new role to play as a link between human rights questions and the safeguarding of international peace and security.

68. A matter of concern to his delegation was the plight of those Russians who had found themselves outside the borders of the Russian Federation after the collapse of the Soviet Union. Many newly formed States were pursuing a policy of development of the native population at the expense of the rights and freedoms of other national minorities, including the Russian and Russian-speaking population. Intolerance and discrimination were apparent both in everyday life and - what was much more dangerous - in some Governments' policies. Of particular concern were the policy of forcing Russians out of Estonia and the continuing unequal status of the non-national population in Latvia. The Commission must consider the substance of those problems.

69. With regard to the ongoing tragedy in the territory of the former Yugoslavia, the Russian Federation consistently stood for the application of the principles of impartiality and justice in apportioning blame. It condemned violations of human rights and humanitarian standards by any party to the conflict, and had from the outset supported the creation of a fact-finding commission and an international tribunal.

70. It condemned attempts to lay the exclusive blame at the door of one party and to exonerate the other and was convinced that the Commission and other United Nations bodies must not overlook the positive changes in the policy of the authorities of the Federal Republic of Yugoslavia, such as their approval

of the plan proposed by the Contact Group, the closure of the border with Bosnia and Herzegovina, and the installation of an international observer mission. It was also unjust to overlook the complexity of the humanitarian situation in the Federal Republic of Yugoslavia.

71. The tragedy in Rwanda was a setback for humanity. The effective functioning of the International Tribunal on Rwanda was crucial to the prevention of further atrocities. His delegation regarded the appointment of a Special Rapporteur to investigate the human rights situation in Rwanda as a positive move and also commended the efforts of the High Commissioner for Human Rights to settle the Rwandese crisis. At the same time, it had to be acknowledged that the international community had so far failed to find an adequate solution that would restore stability in the region.

72. Turning to the question of Cyprus, he said that the activities of the Committee on Missing Persons had virtually ground to a halt, and that the rights of refugees to return, to recover their property, or to receive compensation remained unrealized. Efforts to legitimize the so-called "Turkish Republic of Northern Cyprus" prevented the restoration of contacts between the two communities and impeded efforts to promote intercommunity trust. The Russian Federation stood for a just and viable political settlement of the question of Cyprus with due consideration of the interests of both Greek Cypriots and Turkish Cypriots, based on the guarantee of the independence, sovereignty and territorial integrity of the country; it thus favoured a rapid resumption of the intercommunity dialogue.

73. Following the end of the cold war, Afghanistan had become the stepchild of the international community. The community of nations had no right to leave the millions of people living there to face an epidemic of clan- and religion-based extremism, or to turn its back on the humanitarian problems there, including the release of former Soviet prisoners of war.

74. In spite of all those crises and tragedies, factors such as the elimination of apartheid, the breakthrough towards peace in the Middle East and the return of President Aristide to Haiti gave reason for optimism. It was to be hoped that democratization and respect for human rights and the rule of law would continue to gather momentum, and that those processes would prove irreversible.

75. On 27 February 1995, the Commission had approved the Chairman's statement on the tragic events in the Chechen Republic of the Russian Federation, which might well jeopardize the democratic reform process in his country. The underlying cause of the conflict had been the illegal unilateral declaration of independence by the Chechen Republic. Large quantities of weapons had then fallen into the hands of the Chechen administration following the withdrawal of military units. He reminded the Commission that no State could tolerate the presence of uncontrolled and illegal military groups in its territory.

76. By 1994, those developments had had serious consequences for the Chechen Republic and the Northern Caucasus in general and had begun to endanger the territorial unity of the Russian Federation. The uncontrolled circulation of weapons had given rise to a rapid growth in crime in the region and indeed, in the entire country. Unemployment in Chechnya had grown, the

democratic system of rule had suffered, the system of social security had collapsed and the standard of living of the population had fallen dramatically.

77. Gradually, an opposition to the Dudaev administration had begun to emerge in a population that had initially supported him. Efforts to negotiate a settlement on the status of the Chechen Republic within the Russian Federation and the return of federal control over that territory had not, unfortunately, been pursued strenuously enough and had failed. It was then that the Russian Government had decided to cut the Gordian knot. Like many others, he personally regarded that decision as a mistaken one: there were little prospects of resolving such a difficult problem by force. The events had borne him out, the bloody war having taken a toll of thousands and caused serious political damage to the Russian Federation.

78. Clearly, the Commission could not ignore what was happening in Chechnya. The Chairman's statement on Chechnya reflected the willingness of the Russian Government to cooperate with the international community to overcome the crisis. It was to be hoped that it would do everything possible to reach a rapid peaceful settlement of the crisis and he was convinced that all possibilities had not yet been exhausted.

79. A number of delegations had reacted to the Chechen events with a "holier than thou" attitude. That was hardly conducive to promoting peace and democracy in the region. For example, a visit to Turkey by the Organization for Security and Cooperation in Europe (OSCE) would surely show just how favourably the situation of human rights in the south-eastern regions of that country compared with that in Chechnya, Bosnia and Herzegovina and other places about which the observer for Turkey had expressed such deep concern.

80. The many reports of arbitrary arrest, ill-treatment of prisoners, torture and pillaging in Chechnya must be investigated carefully and the guilty parties brought to justice; to that end, both the President of the Russian Federation and the State Duma had created commissions to investigate human rights violations in Chechnya. A number of cases had already been reported to the Public Prosecutor's Office. There could be no doubt that the federal authorities had been responsible for some of those violations such as the disproportionate use of force against the general population.

81. The fighting had passed its peak, but the danger of human rights violations persisted. Russia must work together with the Commission on Human Rights, the High Commissioner for Human Rights and the Centre for Human Rights to build democratic structures in the republic and hold free democratic elections with the participation of all the political tendencies in Chechnya. The assertion made by a number of delegations and in the mass media that the conflict in Chechnya was of a religious or ethnic character was, however, unfounded. The crisis in Chechnya had become a tragedy for the whole Russian Federation.

82. Interventions by the armed forces within the country must be controlled by law, the military must be reformed and the activities of the power structures placed under parliamentary and public control. Moreover, a number

of officials had apparently attempted to misinform public opinion on the true situation in the crisis region. That was a further reason why a free and independent press must be constantly strengthened.

83. It was impossible to wage such a war in one's own country and at the same time undertake democratic reform. For that reason, anyone interested in helping Russia remain on the path to democracy must call for a halt to the military operations without delay. It was to be hoped that, at its fifty-second session, his delegation would be able to inform the Commission of the progress made.

84. Mr. Bin Hitam (Malaysia) resumed the Chair.

85. Mr. WENAWESER (Observer for Liechtenstein) said that the Commission's system of mechanisms, including special rapporteurs and special representatives, was one of the most important tools for United Nations activities in the field of human rights. States should therefore cooperate with those mechanisms by providing them with accurate information, issuing invitations to visit and engaging in constructive dialogue. It was regrettable that some reports had to be submitted without the cooperation of the Governments concerned and that special rapporteurs were sometimes obliged to conclude that cooperation with Governments had virtually ceased to exist.

86. It was also a matter of concern that financial factors should constitute a further obstacle to the effective fulfilment of many mandates. Moreover, since special rapporteurs, special representatives, experts and members of working groups often had duties outside the United Nations, the Centre for Human Rights should be allocated the resources necessary to enable it to supply them with professional assistance.

87. In addition to their reporting activities, the mechanisms of the Commission should also focus on the prevention of human rights violations, whose consequences were often irreversible and irremediable. Early attention to situations of human rights abuse would also result in a less heavy burden on the limited resources of the human rights machinery. The concept of preventive action had already been well established in national legislation for the promotion and protection of human rights. Moreover, experience over the years suggested that there were certain recurring patterns in the deterioration or improvement in human rights situations and the United Nations should try to build on that experience and pay increased attention to the preventive aspects of its work.

88. Though his country was a small one, it was deeply committed to the promotion and protection of human rights. It had thus promoted an initiative to encourage discussion on the theme of the right to self-determination. Recent events had shown that it was high time that the international community abandoned the view that the right to self-determination and the principle of the territorial integrity of States were mutually antagonistic concepts. New and flexible approaches must be found to deal with the right to self-determination in a changed world and to reconcile that concept with the principle of the territorial integrity of States.

89. Mr. VIGNY (Observer for Switzerland) said that his delegation condemned the incitement of nationalist hatred and violence on the part of the media in the former Yugoslavia. The situation was relatively encouraging in Croatia, however, where respect for human rights had improved somewhat, despite continuing discrimination against minority groups, pressure on the independent media and violations of international humanitarian law in the United Nations protected areas. Similar improvements had been noted in the former Yugoslav Republic of Macedonia, although the rights of minorities, particularly in the area of education, needed further protection.

90. His delegation condemned the serious and widespread human rights abuses committed in Bosnia and Herzegovina, particularly by the de facto Serbian forces, the perpetrators of which should be brought without delay before the International Tribunal for the Former Yugoslavia. Also of concern was the fact that the authorities of the self-proclaimed Croatian republic of Herceg-Bosna continued their opposition to the reunification of the city of Mostar. In Serbia and Montenegro, the increasing repression of the ethnic Albanian population of Kosovo and, to a lesser extent the Muslim population of the Sandjak, was a cause of particular concern.

91. In response to the appeal by the relevant Special Rapporteur, Switzerland had accepted more than 40,000 refugees from the conflict in the former Yugoslavia and had provided nearly 120 million Swiss francs in humanitarian assistance.

92. His delegation shared the concern expressed in the Chairman's statement (E/CN.4/1995/SR.44) about the human rights abuses committed in the Russian Republic of Chechnya and the disproportionate and indiscriminate use of force by the Russian Federation. It was time to put an end to those violations and to the fighting and to work towards a peaceful and lasting solution to the problem in Chechnya.

93. His Government supported the involvement of the Organization for Security and Cooperation in Europe (OSCE) in the crisis in Chechnya. A Swiss diplomat headed the five-member OSCE expert mission which, since 23 February 1995, had been engaged in discussions with the authorities of the Russian Federation, representatives of Chechnya and non-governmental organizations on the human rights situation in Chechnya and on the supply of humanitarian assistance to its population.

94. The mission was currently exploring the possibility of OSCE providing assistance to establish a national human rights commission, the task of which would be to investigate human rights violations committed before and during the crisis and to ensure respect for human rights in accordance with the Constitution of the Russian Federation. The mission would also examine the possibility of OSCE providing assistance in the establishment of a local government administration in Chechnya and of OSCE participation in the preparations for elections at the local and republic levels.

95. In Iran, the authorities were under the obligation to protect the rights of all citizens, including the members of religious minorities, in accordance with international law. Attacks on the lives of members of the Iranian opposition living abroad must also cease. To avoid responsibility for such

violations, the Iranian authorities must investigate, prosecute and punish the perpetrators and collaborate closely with those States, including Switzerland, in which such crimes had been committed. The improvement of the human rights situation in Iran required much greater cooperation between that country and the Commission, including the implementation of the relevant Special Rapporteur's many recommendations.

96. Human rights were an essential component of international relations, including bilateral relations and Iran was the typical example of a State with which Switzerland intended to pursue a crucial dialogue, particularly on its human rights situation. Respect for human rights was, in fact, a major contribution to peace and security in Iran, since a State which treated its citizens with equality and justice and respected their fundamental rights was a country at peace with itself and with its neighbours.

97. Mr. SKOGMO (Observer for Norway) said that human rights violations were still widespread throughout the world. A political solution to the conflict in the former Yugoslavia was still apparently beyond reach. He condemned the acts of ethnic cleansing and other human rights violations which were continuing in the areas controlled by the Bosnian Serbs. Those responsible for such atrocities must be brought to justice and, in that connection, he welcomed the establishment of the ad hoc International Tribunal for the Former Yugoslavia.

98. Increased tension in Kosovo was also a cause for concern and highlighted the need for dialogue between the Serbian authorities and the representatives of the ethnic Albanian population.

99. The human rights situation in Turkey, particularly the south-east region, continued to be a matter of concern. While Turkey had a legitimate right to fight terrorism, it must do so without infringing upon basic human rights. It was regrettable that the Turkish authorities had recently convicted a number of parliamentarians for expressing dissident views. He welcomed, however, the efforts of those same authorities to modify existing human rights legislation.

100. Violations of human rights in Chechnya were also a major concern. Russia's desire to maintain its territorial integrity could not justify large-scale military operations against its own citizens. His Government had joined the call for a negotiated settlement to the conflict. Every effort should be made to prevent the Chechen crisis from threatening the process of democratic reforms in Russia.

101. The human rights situation in Africa was a mixture of hope and despair. The promise of southern Africa was darkened by the agony of other countries torn apart by civil, ethnic or religious strife. The tragic genocide in Rwanda represented a tremendous setback for the continent. He welcomed the timely initiative of the High Commissioner for Human Rights to provide human rights monitors in Rwanda. His own Government had helped provide expertise for the purpose of monitoring and investigating the situation in that country. It welcomed the Security Council's decision to establish an ad hoc International Tribunal for Rwanda and stressed the importance of breaking the

"circle of impunity". Preventive action was also urgently needed to stop a similar tragedy from occurring in Burundi, the scene of increasing violence and tension.

102. Endemic poverty in Africa threatened to undermine the stability of political institutions and systems, without which human rights could not be safeguarded. Underdevelopment should never be used as an excuse for violating human rights; in fact, the full exercise of human rights was a way of promoting development.

103. His delegation was concerned at the human rights situation in Iran, which was marked by a high number of executions, cases of torture and other cruel treatment, severe restrictions on freedom of expression and association, and discrimination on the grounds of religious belief. The murder of two prominent Christian leaders highlighted the need for better protection for the Christian community in Iran.

104. The Government of Iraq continued to perpetrate massive and grave violations of human rights. His Government was particularly alarmed by the subjugation of the population in the southern marshes and by repressive measures, including an internal embargo, against the Kurds in the north. He called on the Iraqi Government to end all internal embargoes and to cooperate with international humanitarian agencies in providing relief to those in need. His Government was appalled at official decrees ordering cruel punishment for certain crimes and urged the Government to abolish those practices.

105. The harsh and repressive policies of the Government of Myanmar had been reflected in recent military attacks on the headquarters of the democratic opposition, which had given rise to a flow of refugees into Thailand. He urged the Government to seek a peaceful solution to the problems of ethnic groups in Myanmar and to ensure full respect for human rights. He appealed once again for the unconditional release of Aung San Suu Kyi.

106. The Government of Indonesia should take further action to improve the human rights situation in East Timor. The prison sentences of Muchtar Pakpahan and other trade-union leaders, and reports concerning their treatment in prison, gave cause for concern.

107. His Government continued to be seriously concerned about the human rights situation in China. It had, however, established a fruitful dialogue with the Government of that country which included plans to exchange human rights experts and judges. It urged the Government of China to ensure respect for internationally accepted human rights principles, to release all political prisoners and to respect the ethnic, cultural and religious identity of Tibetans and other ethnic minorities.

108. The ongoing conflict in Kashmir was also a matter of concern. The situation in the region as a whole could improve only if the parties concerned made a renewed effort to ensure peaceful development and respect for human rights and the rule of law.

109. The human rights situation in Colombia also merited attention. The impunity of those responsible for grave violations of human rights remained a

serious obstacle to genuine peace and security. His Government welcomed the commitment of the Colombian authorities to improve the situation and their willingness to cooperate with United Nations human rights machinery.

110. The human rights situation in Guatemala had not improved during the past year. Social and economic progress, democracy and full respect for human rights could be achieved only by ending the armed conflict. He urged the parties involved to seize the opportunity for peace being offered by the United Nations and friendly Governments. The installation of the United Nations Human Rights Verification Mission in Guatemala (MINUGUA) represented a major step forward in the peace process. He endorsed the recommendations of the Independent Expert, whose mandate should be extended. There was also a need for guidelines concerning cooperation between the Independent Expert and MINUGUA.

111. Lastly, his delegation endorsed the statement made on behalf of the European Union with regard to human rights situations throughout the world.

112. Mrs. EIVAZOVA (Observer for Azerbaijan) said that February 1995 marked two sad anniversaries: seven years of Armenian aggression against her country and the brutal and barbaric massacre in February 1992 of 800 innocent civilians in the town of Khodjaly, carried out by Armenian military forces backed by a regiment of the former Soviet army.

113. The tragedy of Khodjaly could be compared with the massacres of civilians during the Second World War. Khodjaly had become the symbol of the ongoing genocide carried out by Armenians against the Azerbaijani people. Such atrocities should be considered as war crimes and crimes against humanity. In that connection, it was essential to establish a permanent international criminal court to deal with war crimes.

114. Armenian forces occupied 20 per cent of the territory of Azerbaijan. Armenian aggression against her country had, over the past seven years, resulted in thousands of civilian deaths and injuries, great numbers of refugees and displaced persons, and the holding of prisoners and hostages, including children. The economic infrastructure of the occupied regions had been destroyed. The entire country was going through an economic and humanitarian crisis.

115. In the meantime a propaganda campaign had been launched to prove that Armenia was not involved in the aggression. Her Government had already fully documented the direct involvement of Armenian armed forces in the undeclared war against her country. Moreover, that involvement had been recognized by the international community: a demand for the immediate and unconditional withdrawal of all occupying forces from the territory of Azerbaijan was contained in resolutions adopted by the Organization of the Islamic Conference (OIC) and the Security Council.

116. Her Government had repeatedly declared its commitment to the principle of the peaceful settlement of disputes. It welcomed the recent decision by the Organization for Security and Cooperation in Europe (OSCE) to send multinational peace-keeping forces to the conflict area. A comprehensive

settlement of the dispute must include the complete withdrawal of Armenian forces, the return of refugees and the restoration of the sovereign rights of Azerbaijan over its entire territory.

117. Mr. AYE (Observer for Myanmar) said that certain statements made by participants with regard to his country had undoubtedly been based on misconceptions and unfounded allegations.

118. In accordance with the will of the people of Myanmar, the State Law and Order Restoration Council (SLORC) was pledged to fulfil its commitment to establish a multi-party democratic society, taking into account the country's past and its current circumstances. Following years of domination by foreigners, Myanmar had gained its independence through great sacrifices on the part of its armed forces - the Tatmadaw. It could never again permit outsiders to shape its destiny or interfere in its internal affairs.

119. His country was home to over 100 national races. National unity was essential to its independence and sovereignty and to economic and social progress. Myanmar had, for several decades, faced internal strife in the form of armed opposition. In response to peace overtures by his Government, many of the armed groups had returned to the legal fold and were cooperating in the country's overall effort to achieve peace, democracy and national reconciliation. The Government would continue its efforts to bring the remaining few armed groups into the fold of national reconciliation.

120. One armed group - the Karen National Union - had repeatedly rejected peace offers. Discontent within the National Union's rank and file had led to a recent revolt against its leadership and the abandonment of certain camps.

121. His Government's political objective was to draft a solid and enduring constitution, in accordance with the wishes of the people and the large majority of the political parties in Myanmar. To that end, a national constitutional convention was currently being held. The Government had no intention of prolonging the drafting process. However, a certain amount of time was needed to reach consensus among the delegates, who represented the entire population.

122. The armed forces did not intend to hold on to the reins of power any longer than was necessary. His Government believed that State power should be in the hands of the people. It considered itself to be a transitional administration whose goal was to lay the political and economic foundations for the establishment of a pluralistic democracy. To that end, it was endeavouring to achieve peace, stability, law and order and economic development.

123. The democratic society to which his country aspired was based on the universal values of liberty, equality and justice in all spheres. His Government was committed to the human rights principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights. Those principles must be promoted by consensus and cooperation and not by the imposition of incompatible values. Moreover, those principles should not be applied selectively.

124. His country's view of human rights was based on its values, traditions and cultures. Emphasizing individual rights over collective rights could lead to a breakdown in family values and might hinder consensus. The right to development was too often overshadowed by efforts to promote individual rights.

125. He welcomed the positive trend in the Commission toward a fairer and more balanced approach to the question of human rights.

126. Mrs. APPOLONIE (Observer for Burundi) said that her country was experiencing the most serious crisis in its history. In October 1993, the first democratically elected President of her country, together with some of his close associates, had been murdered, setting off unprecedented inter-ethnic violence and serious violations of human rights, which had continued almost unabated despite the efforts of her Government.

127. The crisis had been attenuated to a small degree by international efforts, which included the presence in Burundi of special representatives of the Secretary-General and the Organization of African Unity (OAU), visits by the High Commissioner for Human Rights and the High Commissioner for Refugees (UNHCR), and the establishment in Burundi of a Centre for Human Rights satellite. In its resolution 1994/86, the Commission on Human Rights had condemned the violent break in the democratic process and had encouraged her Government to request technical assistance for the promotion and protection of human rights.

128. Despite international and national efforts, the situation in Burundi had not improved very greatly. Nevertheless, her Government was determined to ensure peace and security to all citizens, to restore the confidence of the various population groups and to combat the phenomenon of impunity.

129. In an endeavour to reconstruct the country, the political partners had concluded an agreement which would serve as a guideline for the establishment of a new Government. She hoped that the international community would help support the various projects envisaged by her Government, which hoped to establish a special unit for civilian disarmament, an anti-terrorism and urban crime brigade and a human rights monitoring unit and to organize a national debate on the basic issues in Burundi society.

130. Her delegation reiterated its request that an international commission of inquiry should be sent to Burundi for the purpose of identifying and bringing to justice those responsible for human rights violations.

131. It was deplorable to note that not a single region in the world was free from violations of human rights. The persistence of war, ethnic conflict, persecution, discrimination and intolerance was in violation of the dignity and rights of the human person and threatened the most vulnerable groups.

132. The international community must thus strengthen and improve preventive mechanisms. Preventive diplomacy might have kept the tragedy in Rwanda from occurring. Her Government would welcome the establishment of a permanent international court to consider cases of crimes against humanity. It would do

its utmost to prevent such a tragedy from happening within its own borders and, to that end, would work towards national reconciliation, the return of refugees and the establishment of the rule of law.

133. At the request of the representative of Colombia, the CHAIRMAN read out a letter sent by the Government of Colombia on 28 February 1995 to the Officer-in-charge of the Special Procedures Branch of the Centre for Human Rights, to the effect that the Government of Colombia, appreciating the important contribution that thematic rapporteurs could make to the country's human rights policy, planned to establish a high-level committee, composed of representatives of Government and non-governmental organizations, to study and implement the recommendations made by those rapporteurs. The Government of Colombia was therefore requesting the Centre for Human Rights to ensure that the various thematic rapporteurs who had visited or were to visit Colombia should pay visits on a regular basis. The Government of Colombia would collaborate closely with all thematic rapporteurs.

134. A representative of the Office of the High Commissioner for Human Rights would be working with the Colombian authorities to identify practical ways of strengthening the promotion and protection of human rights. One of the most important priorities in that regard was a reform of the military code of criminal procedure and a drafting committee, composed of a majority of representatives of NGOs, would be established in the near future for that purpose.

135. The Government of Colombia was convinced that the Special Procedures Branch could help the Colombian people achieve their objective: respect for human rights and peace in their country.

The meeting rose at 6.00 p.m.